REMARKS

Reconsideration of the present application is respectfully requested.

The present invention is directed to methods and apparatus for monitoring data exchanged between application systems. In particular, the present invention provides users with a high degree of certainty as to whether a transaction has taken place as intended (pg. 3, ln. 26-28). FIG. 5 depicts a representative example of the configuration of the invention, showing a plurality of businesses (or application servers) in communication with each other and the monitoring function of the invention. As can be appreciated from FIG. 5, a device outside the path of the data packets is used to provide assurance of successful reception of a particular data packet transmitted between the application servers. In particular, independent claims 1, 10, and 13 each include creating or checking "a reception control message" indicating successful reception of a data packet with a follow on "monitoring message" with data indicating successful reception. Importantly, the reception control message is linked to successful reception of a particular data packet. Neither the configurations included in the application nor functions as described in the claims are disclosed or suggested in any of the cited references, alone or in combination with one another.

In the present invention, monitoring refers to the task of checking if a data packet sent from a first system was also received by the desired recipient successfully and within a predetermined transaction time. (pg. 3, ln. 8-12). In the present invention, a despatch control message is transmitted to a separate monitoring unit upon despatch of a data packet, this monitoring unit is able

contribute to guaranteeing in a simple fashion transaction security for business processes beyond business limits and beyond a plurality of software products and service providers as well as application systems.

Claims 1-2, 7-11, and 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,725,255 to Hass et al. ("Hass") in view of U.S. Patent No. 6,058,102 to Drysdale et al. ("Drysdale"). First, neither Hass nor Drysdale disclose or suggest monitoring in the sense the term is used in the present invention. The term "monitor" as used in Hass (and the term is used only once in Hass) means tracking a certain data transmission without regard to reception. Hass does not discuss message reception. The term "monitor" as used in Drysdale is an overall performance measure (measuring overall performance data). Thus the term as used in the present invention is distinct from the use in either Hass or Drysdale.

Further, neither Hass nor Drysdale disclose or suggest a task involving successful delivery of a particular data packet. As indicated by its title, Hass discloses a system and method for tracking and reporting data transmission. Hass discloses checking whether a certain and specified data transmission sent from a server is received by its recipient (see claim 1 of Hass, for example) but such transmission is not monitored independently. As pointed out by the Examiner, the sender in Hass sends an acknowledgement, but only under certain time constraints. However, Hass does not disclose the present invention including the use of device independent of the communication parties and paths including a reception control message and a monitoring message.

Drysdale is directed to performance ("service level analysis") of a communication network (see table 1 of Drysdale: "Round-trip delay, unavailable seconds, far-end offered PDUs, delivered PDUs"). Drysdale discloses measuring network performance metrics, such as network availability, data delivery ratio and round trip delay in the communication network (see col. 1, ln. 22-28). Accordingly, the disclosure of Drysdale is in the context of assessing the performance of a connection between different application systems and does not track successful receipt of any particular data packet.

The information gathered in Drysdale fails to provide any means for relating information to a particular data packet transmitted over a communication line. In addition, even if such identification of a data packet were possible in the context of Drysdale, such information would only relate to whether the data packet was received (or detected) by the respective probe and would not allow any conclusion whether or not the data packet was received by the second application system (which the Examiner identified with the recipient client 14 of FIG. 1 of Hass and, most probably, with the site A or B of FIG. 1 of Drysdale). Accordingly, regardless on which unit would be identified with the monitoring unit of the present invention, a combination of the teaching of Hass and Drysdale does not correspond to the subject matter of the present invention as claimed in, for example, claim 1.

In addition, Drysdale fails to provide any teaching, suggestion or motivation to combine with the teaching of Hass. In other words, a person of ordinary skill in the art 1) would not have motivation to combine Hass and Drysdale and 2) even if combined, Hass and Drysdale, alone or together, do not disclose or suggest the

present invention. Even if the skilled person were to combine the teachings of Hass and Drysdale, the result would still fall short of the present invention.

In particular, independent claims 1, 10, and 13 each include creating or checking "a reception control message" indicating successful reception of a data packet with a follow on "monitoring message" with data indicating successful reception. In summary, neither Hass nor Drysdale disclose or suggest these limitations. Because the limitations of independent claims 1, 10, and 13 are not disclosed or suggested by the cited references, it is believed that those claims as well as dependent claims 2, 7-9, 11, and 14 are in condition for allowance.

Specifically with regard to claim 2, the Examiner states that Hass discloses first and second application systems indirectly connected together through at least one further application or transmission system. However, as can be appreciated from any of FIG. 4-6, the third device of the present invention does not provide connectivity between sender and receiver and is outside the path of the data packets. As a result, it is believed that claim 2 is in condition for allowance.

With regard to claim 7, the Examiner states that Hass teaches to transmitting a reception control message from the second application system to the monitoring unit. This is incorrect. In the context of Hass (even also taking into consideration the teaching of Drysdale), Hass fails to teach anything beyond notifying the server agent of the successful receipt of the data transmission (see col. 5, ln. 14-18, as cited by the Examiner), which does not correspond to a teaching of a transmission of a reception control message to a separate monitoring unit (other than the application

system sending the original data packet). As a result, it is believed that claim 7 is in condition for allowance.

Furthermore, Hass also fails to teach the additional feature of claim 8. Hass (as well as Drysdale, for example) fails to teach or to suggest any kind of storing of a reception control message, wherein a monitoring unit (or any other unit) is provided to periodically monitor the stored reception control messages. In fact, according to Hass (see col. 5, ln. 19-24), if the recipient client does not notify the server agent of a successful receipt of the data transmission, the server agent performs a notification action. This clearly shows that even the server (agent) of Hass is not adapted for accessing reception control messages stored on the side of the recipient client. Hass' failure to disclose the additional feature of claim 8 is clear in that Hass provides no means of checking for a reception control message other than a notification by the recipient client to the server agent. As Hass even fails to teach any access of the server agent to reception control messages stored in the recipient client, Hass further - even more clearly - fails to teach any such access by a separate monitoring unit. As a result, it is believed that claim 8 is in condition for allowance.

Specifically with regard to claim 9, the Examiner states that Hass discloses a monitoring message transmitted to a first application system with a service provider connected to the first application system. Specifically with regard to claim 14, the Examiner states that Hass discloses a computer program stored in computer readable medium executable by a processor. However, in both cases, the claims include the limitations of each claims independent claim and, as detailed above, the

limitations associated with independent monitoring and message capture and delivery are not disclosed by Hass or Drysdale. It is believed that claims 9 and 14 are in condition for allowance.

With regard to claims 10-11 and 13, the Examiner indicates that the rejection is the same as the rejection of claim 1. Because, as detailed above, it is believed claim 1 is in condition for allowance, so too it is believed that claim 11 is in condition for allowance.

Claims 3, 5-6, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hass and Drysdale in view of U.S. Patent No. 6,958,977 to Mitrani et al. ("Mitrani"). Claims 3 and 5-6 depend on claim 1 and claim 12 depends on claim 10. As detailed above, claims 1 and 10 are believed to be in condition for allowance and, for the same reasons, dependent claims 3, 5-6 and 12 are also believed to be in condition for allowance. In addition, Mitrani does not disclose or suggest limitations not found in Hass or Drysdale. Further, Mitrani is directed to introducing artificial network users for insertion and interception of particular data packets with specified features. "By collecting reports from multiple CCNAs that intercept a given packet passing through the network from one end-point to another, the testing center is able to analyze details of the route and timing of the packet within the network, over multiple links and nodes simultaneously." (col. 3, ln. 29-33).

Regarding claim 3, the Examiner relies on Mitrani for disclosing transmission systems (CCNAs, col. 3, ln. 20-25) connecting the first and second application systems which create reception and/or despatch control messages after successful reception and despatch respectively of the data packet and communicate same in

particular to the monitoring unit (col. 7, In. 48-65). Regarding claim 5, the Examiner relies on Mitrani for disclosing predetermined rules concerning the transmission of data packets. Regarding claim 6, the Examiner relies on Mitrani for disclosing measures to be taken for different kinds of data packets in the case of a negative result of points to be monitored, maximum transaction times, transmission paths and/or application systems from which control messages are expected are specified in the rules (col. 8, In. 7-46). Regarding claim 12, the Examiner relies on Mitrani for disclosing a storage unit for storing predetermined rules. Regardless, Mitrani does not disclose or suggest limitations in independent claims 1 and 10, including a device outside the path of the data packets which is used to provide assurance of successful reception of a particular data packet, include creating or checking "a reception control message" indicating successful reception of a data packet with a follow on "monitoring message" with data indicating successful reception. As a result, it is believed that claims 3, 5-6, and 12 are in condition for allowance.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hass and Drysdale in view of U.S. Patent No. 6,636,893 to Fong ("Fong"). Fong is directed to permitting a user to gather information from remote systems (col. 2, In. 7-10). Fong is completely different from the present invention. Regarding claim 4, the Examiner relies on Fong for disclosing first and second application systems as different application systems and in using different data protocols (col. 7, In. 50-67 - col. 8, In. 1-22). Regardless, Fong does not disclose or suggest limitations in independent claim 1, including a device outside the path of the data packets which is used to provide assurance of successful reception of a particular data packet,

include creating or checking "a reception control message" indicating successful reception of a data packet with a follow on "monitoring message" with data indicating successful reception. As a result, it is believed that claim 4 is in condition for allowance.

The Commissioner is authorized to charge any additional fees that may be required, or to credit any overpayment to Deposit Account No. 07-1730, Docket No. 3436-015.

The allowance of claims 1-14 and the early passage to issue of the application are respectfully requested.

Respectfully submitted,
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